

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 21 2006

FOR THE NINTH CIRCUIT

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

CERVANDO MOROYOQUI-MENCES,

Petitioner - Appellant,

v.

HARLEY LAPPIS, Director of Federal
Bureau of Prisons,

Defendant - Appellee,

GILBERT CARMONA, Warden, CCA; et
al.,

Respondents - Appellees.

No. 05-16743

D.C. No. CV-04-01444-JWS

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Arizona
John W. Sedwick, District Judge, Presiding^{**}

Submitted July 17, 2006^{***}

Before: B. FLETCHER, HAWKINS and THOMAS, Circuit Judges.

Appellant's unopposed motion to lift the stay of appellate proceedings in
light of *Jonah R. v. Carmona*, 446 F.3d 1000 (9th Cir. 2006) is granted.

^{*} This disposition is not appropriate for publication and may not be
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The Honorable John W. Sedwick, United States District Court Judge
for the District of Alaska, sitting by designation.

^{***} This panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

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In light of the intervening precedent of *Jonah R. v. Carmona*, 446 F.3d 1000 (9th Cir. 2006), we vacate the sentence and remand for proceedings consistent with *Jonah R. v. Carmona*.

All pending motions are denied as moot.

VACATED AND REMANDED.